TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

April 14, 2004 LR 209

issue. I'm grateful for that. I'll tip my hand a little bit here because I'll tell him my line of argument and he'll have three more amendments with which to deal with it. If you take a look at the four amendments in the gadget, you'll see they're essentially arguments that say you could draft this language better. There are inadequacies in the language. They could be drafted in a superior way. Now that's different than Senator Chambers' argument and others' arguments that this is a bad place to put this line of reasoning and, in fact, it should be a statute. That I think we've wrestled with all the way along so far and this is a chance to turn to the public and say this is your institution, it's been your institution for 125 years, do you want to continue with a stable form of support, and if you don't, tell us now because we can decommission it if we need to. What is your wish, public, which is I think the answer to Senator Chambers' first question. But on the nature of these amendments, the four that he has in a row, which is essentially suggesting that there are better ways of claiming this idea; for example, the compulsive gambling, saying, you know, you've got a rigid formula here, create greater flexibility in that. First, the compulsive gambling folks are satisfied with these numbers. Secondly, it's not rigid; I percent will grow as the fund grows. Third, if there is a problem with casinos, let the casino revenues generate that money. Fourth, there is a secure way of doing it into the future and that's the General Fund. We don't need to do it here. This language is satisfactory to the compulsive gamblers. However, let's take a look at all of the arguments collectively at one time. Senator Chambers and I have been arguing about the constitution. Here's a 1949 State v. State Railway Commission decision by our Supreme Court: words of a constitutional provision will be interpreted and understood in their most natural and obvious meaning unless the subject indicates or the text suggests that they're used in a technical sense. If the meaning is clear, the courts will give it the meaning that obviously would be accepted and understood by the layman. What it means is we don't need to do intricate drafting like a lawyer if you can get the meaning of the language. So here's what my test is. Let me read you what we're putting before the public and see if you understand it. Because if you understand it, that's what the Supreme Court says is how you figure meaning. "The proceeds of the lottery will be